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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,551	01/28/2002	Martin Loeser	6400-30	3764

7590 12/11/2003
McCormick, Paulding & Huber
City Place II
185 Asylum Street
Hartford, CT 06103-3402

EXAMINER

BUCHANAN, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,551

Applicant(s)

LOESER, MARTIN

Examiner

Christopher R Buchanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. alone.

With regard to claim 1, Smith discloses a method for carrying out payment processes (see abstract) in which a cash register (61, Fig. 3, col. 5 line 45+) transmits a payment demand wirelessly via a first link (see Fig. 3, col. 7 line 32+) to a customer's mobile device (2), the customer generates a payment instruction (col. 7 line 36+) and transmits it via a second link to a payment center (30, col. 7 line 17+), the payment center checks the payment instruction (col. 7 line 17+) and sends a payment confirmation to the cash register via a third link (col. 7 line 46+) if the result is positive, and the cash register checks the payment confirmation (col. 7 line 47) and releases the goods to the customer upon a positive result (col. 7 line 47+). It is common practice in the field and inherent in the process that the parties involved check the various demands, confirmations, etc., and continue the transaction only when a positive result is determined. With regard to claim 2, the payment center (30) sends a payment debit to a banking center (39) after a positive check of the payment instruction (col. 7 line 38+).

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With regard to claim 3, the cash register stores the confirmations and sends them to a clearing office, which credits the cash register with the total amount (col. 6 line 9+, col. 7 line 1+, common practice in the field). With regard to claims 4-7, it would be obvious to one skilled in the art, that the payment instruction and confirmation could be digitally signed at any location (common practice), that demands and other communications could contain addresses and other information (common practice), and that the various links could be interactive/interdependent. With regard to claim 8, Bluetooth, IrDa, GSM, or any other suitable networking means could be used to provide interfaces (col. 2 line 1+, col. 5 line 40, common practice). With regard to claims 9 and 10, given the features of the method disclosed by Smith, it would be obvious to one skilled in the art that the cash register and mobile device used in the method for cashless payment would have all the features and components necessary to perform the method (as recited in claims 9 and 10), for example, interfaces for wirelessly transmitting data, agents to send and receive communications, facilities to perform checks and send confirmations, and so on.

Response to Arguments

3. Applicant's arguments filed October 17, 2003 have been fully considered but they are not persuasive. Applicant argues that the Smith reference does not show the payment center to send a payment confirmation to the cash register via a third link. The examiner, however, contends that Smith discloses this feature. In Fig. 3 of Smith, the payment center (39) sends a payment confirmation to the vendor account (71) via a third link. It would be obvious to one skilled in the art that the cash register (61) and

vendor account (71) would be in communication with each other (connected), and by this means the cash register could receive the confirmation. Furthermore, it would be obvious to one skilled in the art that all of the devices and accounts could be interconnected to one another in a variety of manners a dictated by design.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Buchanan whose telephone number is 703-306-5782. The examiner can normally be reached on M-T 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CRB

Christopher Buchanan
December 4, 2003

Michael Cuff 12/10/03
MICHAEL CUFF
PRIMARY EXAMINER